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TEXAS COMMISSION ON LAW ENFORCEMENT

Technical Assistance Bulletin

To: All Texas Law Enforcement Agencies/Contract Training Providers/Licensees
From: Kenny Merchant/Director of Operations, Credentialing and Field Services
Regarding: **Licensing Eligibility based on Military Discharge Status**
Date: April 5, 2019

One of the minimum standards for licensure in Texas concerns the military discharge status of an applicant. Commission Rule 217.1(b)(13) states that a person may only be licensed if the person "has never received a dishonorable or other discharge based on misconduct which bars future military service." This Rule gives a two-part test, both of which must be satisfied for a person to be ineligible for licensing.

First, the discharge must be based on misconduct. Person who are found to be unsuitable for military service, physically or psychologically unfit, substance abusers, etc., are often discharged, especially during initial training, without a finding of misconduct. This will often appear as an "Uncharacterized" status on the DD214, or may even result in no DD214 being issued, if the person never served active duty after initial training. Misconduct indicates that the military had some type of hearing/trial/court martial/Captain's Mast, etc., with a finding of guilty/founded/true, etc. Discharge Status and Discharge Codes can often be found on the discharge document that may explain. Interpreting those Status' and Codes has grown more complicated over the years, so, if there is any question on whether misconduct is indicated, consult your nearest military recruiter, as they may be able to better interpret the discharge.

Second, the applicant must be barred from re-enlistment. If the person is able to enlist in any military branch of the Federal Government, even if a waiver is required first, the person is NOT barred from re-enlistment. Re-enlistment options are normally listed as a coded field on the DD214. As the codes have grown over the years, it is always best to confirm with a current military recruiter the exact meaning of the Re-enlistment Code. Do not rely on the Commission to interpret the Discharge Status, Discharge Code, or Re-enlistment Code for you.

Also note that the DD214 is not the only type of discharge document. Some branches of the military, including Reserves or State/National Guard Units have different types of discharge documents. It is up to the appointing or enrolling entity to confirm the validity of the discharge document.

Lastly, military discharges occurring after appointment can still affect licensees. Rule 223.19(e) states "The license of a person who has received a dishonorable or other discharge based on misconduct which bars future military service shall be revoked." Agencies should, therefore, track



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the military status of any current licensees until such enlistment ends, to insure continued eligibility. Individual licensees are also required by Rule (211.27) to report any military discharge which meets the above ineligibility requirements to the Commission within 30 days.